

Notice of Allowability

Application No.

09/251,781

Examiner

Clark F. Dexter

Applicant(s)

SUPE-DIENES, RUDOLF

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on June 24, 2004.
2. ☒ The allowed claim(s) is/are 19-21,35-37,39-45 and 47.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other:
Regarding item 6, a full set of updated drawing sheets, which include the approved drawing changes, must be submitted.

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on August 12, 2004, Mr. Robert Becker requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 02-1653 the required fee of \$55.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The application has been amended as follows:

In the Claims

Claim 19 has been rewritten as follows:

- 19 (currently amended) The combination according to claim 35, wherein said pressing device comprises a slide that is engageable with said biasing component and disposed proximate to said advancing device ~~and the circular blade~~, and further comprises a second pneumatic drive for actuating the slide.--.

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Claim 21 has been rewritten as follows:

-- 21. (currently amended) The combination according to claim 19, wherein said slide has a projection radially extending into said blade head housing, wherein said projection engages said biasing component, and said biasing component is ~~pressure~~ device positioned in a recess of said blade head housing.--.

Claim 35, line 20, "piston" has been changed to --device--;

line 24, "piston" has been changed to --device--;

line 32, "piston" has been changed to --device--;

line 33, "piston" has been changed to --device--.

Claim 36, line 7, "piston" has been changed to the following:

--device including an advancing piston, said advancing device--;

line 11, "piston" has been changed to --device--;

line 15, "piston" has been changed to --device--;

line 23, "piston" has been changed to --device--;

line 24, "piston" has been changed to --device--.

Claim 37, line 2, "said pneumatic" has been changed to --a second pneumatic--.

Claim 38 has been canceled.

Claim 39, line 3, "rests" has been changed to --resides--.

Claim 40, line 1, "24" has been changed to --39--.

Claim 45, line 1, "said projection" has been changed to --a projection--.

Claims 46 and 48 have been canceled.

In the Specification

Page 1, line 16, --and-- has been inserted after "plane";
line 19, --and-- has been inserted after "blade".

Page 2, line 8, --and-- has been inserted after "predetermined".

Page 3, line 1, "n" has been changed to --in--.

Page 5, line 20, --the-- has been inserted before "diaphragm".

Page 11, line 12, the following has been inserted after "diaphragm":
-- , which acts as the advancing piston, --.

Page 12, line 13, --and-- has been inserted after "19".

Remarks

Claims 38, 46 and 48 have been canceled because the subject matter set forth therein is not sufficiently described and/or shown.

For the record, it is acknowledged by the Examiner that the prior art rejection of claims 18 and 19 was inadvertently omitted from the Final rejection (paper no. 30, mailed April 20, 2004). However, it is noted that the prior art rejection, which was maintained from the previous Office action (paper no. 21, mailed July 7, 2003), was addressed in the "Response to Arguments" section of the Final rejection.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-

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1404. The examiner can be reached Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
August 13, 2004